

0557-4909-3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE



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IN RE APPLICATION OF:

Kazunori ITO, et al.

SERIAL NO: 09/498,375

FILED: FEBRUARY 4, 2000

FOR: OPTICAL DEVICE SUBSTRATE FILM-FORMATION ...

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: EXAMINER: EVANS, E.

:

: GROUP: 1774

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

SIR:

In response to the Restriction and Election of Species Requirement dated September 4, 2001, Applicants elects with traverse Group I, Claims 1-42 and 73. The Applicants make this election based on the understanding that the Applicants are not prejudice against filing one or more divisional applications that cover non-elected claims.

Applicants respectfully traverse the outstanding Restriction Requirement.

MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. For example, the Official Action indicates that the apparatus of Group I and the apparatus of Group II both fall under Class 369. Accordingly, the Applicants also respectfully traverse the outstanding restriction requirement on the grounds that a search and

examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-42 and 73 be conducted.

Respectfully submitted,

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